

### **REMARKS**

Claims 1-42 are pending in the present application. Claims 1, 6, 21, 22, 23 and 28 are independent.

Some of the claims have been amended to improve their form and to clarify the invention according to U.S. patent practice. These modifications do not add new matter.

#### **Allowable Subject Matter**

Applicants thank the Examiner for the indication that claims 1-5, 21 and 23-27 are allowed over the prior art of record. Claims 1 and 21 have been amended slightly to improve their form and are still allowable.

The Examiner has also indicated that claims 8-12 and 30-34 are objected to, but would be allowable if rewritten in independent form. These claims have not been rewritten in independent form at this time.

#### **Rejection under 35 U.S.C. § 102**

Claims 6, 7, 13-18, 20, 22, 28, 29, 35-40 and 42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kim et al. (U.S. Patent No. 6,922,802 B2). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Regarding independent claims 6, 22 and 28, without acquiescing to any of the Examiner's allegations made in rejecting these claims, these claims have been amended to recite "disc usage management information indicating a recording or non-recording status of the recording medium" only to expedite prosecution. This feature is clearly absent from Kim et al. Kim et al. merely teaches defect management information such as PDL, T-PDL and SDL, which does not include the disc usage management information as recited. Kim et al.'s defect management information is patentably distinct from "disc usage management information indicating a recording or non-recording status of the recording medium" as recited in independent claims 6, 22 and 28.

Therefore, independent claims 6, 22 and 28 and their dependent claims (due to the dependency) are patentable over the applied reference, and the rejection is improper and should be withdrawn.

**Rejection under 35 U.S.C. § 103**

Claims 19 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. in view of "Whatis.com". This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

First, it is not clear what the secondary reference is or teaches. The cited reference "Whatis.com" is merely a website address, and Applicants cannot ascertain what aspect of this reference the Examiner is relying on to reject the claims. Clarification is requested.

Regardless, the secondary reference does not correct at least the above noted deficiencies of Kim et al. as discussed above in connection with independent claims 6 and 28 from which claims 19 and 41 depend respectively. Thus, even if the references were combinable, assuming *arguendo*, the combination of references would still not teach or suggest independent claims 6 and 28. Thus, the rejection is improper and should be withdrawn.

**CONCLUSION**

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

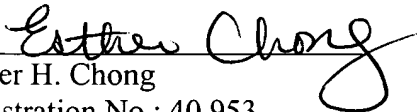
Application No. 10/670,335  
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If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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